

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

FOUNDRY NETWORKS, INC.,	)	
	)	
Plaintiff,	)	
v.	)	C. A. No.: 06-470-SLR
	)	
ALCATEL USA RESOURCES, INC.,	)	
ALCATEL INTERNETWORKING, INC.,	)	
COMPAGNIE FINANCIÈRE ALCATEL, and	)	
ALCATEL S.A.,	)	
	)	
Defendants.	)	

**AMENDMENT TO DEFENDANTS' MOTION FOR EXTENSION OF TIME TO  
SERVE AND FILE REPLY BRIEFS IN SUPPORT OF MOTIONS TO DISMISS**

On December 11, 2006, Defendants filed a motion (D.I. 47) for a one-month extension of time, from December 11, 2006 to January 11, 2007, to file and serve their reply briefs in support of the Motion to Dismiss for Lack of Personal Jurisdiction filed by defendants Alcatel S.A. and Compagnie Financière Alcatel (D.I. 30) and the Motion to Dismiss Amended Complaint for failure to state a claim filed by defendants Alcatel USA Resources, Inc. and Alcatel Internetworking, Inc. (D.I. 35). For the reasons set forth below, Defendants amend their request for an extension of time and respectfully seek an additional two-week extension, until January 25, 2007, to file and serve their reply briefs.

The extension was requested in order to permit the parties to document and finalize a settlement which will resolve all of the claims and defenses in both the above-captioned action and in C.A. No. 05-418-SLR. Thanks to diligent efforts on both sides, and continued monitoring and assistance from Magistrate Judge Thyng, the parties have exchanged numerous drafts of the relevant agreements over the last month or so. There is

now only one subsidiary issue left to be resolved. Defendants fully expect that the remaining issue can be worked out, and all of the settlement papers finalized, in the very near future. However, it is not certain that all of the settlement papers will be finalized and the appropriate stipulations of dismissal filed by January 11. Therefore, Defendants respectfully submit that an additional two-week extension of time, to January 25, is appropriate and reasonable.

Pursuant to D. Del. Local Rule 7.1.1, the undersigned hereby certifies that Foundry is on record as opposing any extension beyond December 18, 2006 (see D.I. 48), and has not withdrawn or otherwise modified its opposition.

WHEREFORE, Defendants respectfully request that this Court grant their motion (D.I. 47), as amended herein, and enter an order in the form attached hereto.

**YOUNG CONAWAY STARGATT & TAYLOR LLP**



Dated: January 8, 2007

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**CERTIFICATE OF SERVICE**

I, Karen L. Pascale, Esquire, hereby certify that on January 8, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that on January 8, 2007, I caused a copy of the foregoing document to be served by e-mail and hand delivery on the above-listed counsel of record, and on the following non-registered participants in the manner indicated:

**By E-Mail**

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*Attorneys for Defendants*

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	)	
Defendants.	)	

**ORDER**

At Wilmington this \_\_\_\_ day of \_\_\_\_\_, 2007, having considered Defendants' motion for extension of time (D.I. 47), as amended (D.I. \_\_\_\_), to serve and file reply briefs in support of their motions to dismiss (D.I. 30 and 35), and the parties' arguments in support of and in opposition to the motion,

IT IS HEREBY ORDERED that that the time for defendants to serve and file reply briefs in support of the Motion to Dismiss for Lack of Personal Jurisdiction filed by defendants Alcatel S.A, and Compagnie Financière Alcatel (D.I. 30) and the Motion to Dismiss Amended Complaint for failure to state a claim filed by defendants Alcatel USA Resources, Inc. and Alcatel Internetworking, Inc. (D.I. 35) is hereby extended from December 11, 2006 to January 25, 2007.

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United States District Judge